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C O N F I D E N T I A L JERUSALEM 001011

C O R R E C T E D C O P Y. ADDED (C) MARKING TO PARA 6.

SIPDIS

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E.O. 12958: DECL: 06/13/2018

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SUBJECT: LEGAL SHOWDOWN OVER NINE OFRA HOUSES: SETTLERS SAY
"SELF DEFENSE" JUSTIFIES SHABBAT CONSTRUCTION

Classified By: Consul General Jake Walles, per reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: Israeli NGOs have petitioned the High Court of Justice (HCJ) to stop construction of nine homes in the West Bank Settlement of Ofra, asserting they are on private Palestinian land. According to the NGOs, the Civil Administration has confirmed Palestinian land registration and issued stop work orders. Lawyer Michael Sfard, who filed the High Court petition, expects a ruling in favor of the Palestinians, but questions the GOI's willingness to implement it. PolOff visited the site with Ofra settlers on June 13 and observed ongoing construction. Ofra's rabbi has ruled construction may continue on the Sabbath to accelerate the construction timetable. END SUMMARY.

Palestinian families appeal to High Court to stop construction

¶2. (C) Israeli lawyer Michael Sfard informed PolOff on June 13 that he assisted Israeli NGOs B'Tselem and Yesh Din and five Palestinian families from Ein Yabrud to petition the HCJ to halt construction of nine homes in Ofra settlement. Sfard explained that the land in question is registered to the five families. In the interim, Sfard said the GOI is expected to reply to the petition on June 15. Sfard said he Civil Administration has issued "orders prohibiting continued construction at the site" and "final demolition orders" against the structures.

¶3. (C) Sfard told PolOff that he expected the court to rule the construction illegal saying "there is no legal way to make it kosher," but cautioned that "the question is implementation," Sfard called Ofra the "wild wild west" and said "rule of law in the area is non-existent." Sfard said he filed an urgent request on June 12 for an interim order to prevent settlers from entering the homes, but has not received a response. Settlers told PolOff June 13 they provided the HCJ with an affidavit affirming that all nine houses are now occupied.

¶4. (C) In recent months B'Tselem and Yesh Din have obtained documentation from the Civil Administration indicating that the majority of Ofra is on private Palestinian land, and thus have labeled it "the largest unauthorized outpost in the West Bank" in their petition. The groups say the Civil Administration has confirmed that Ofra has no approved town plan. Michael Sfard said a petition against construction in the interior area of an established settlement is unprecedented. (NOTE: The new construction does not expand Ofra's footprint, but fills in internal areas of the settlement surrounded by completed housing. Ofra itself is

comprised of some 400 houses. END NOTE).

Construction continues, even on Shabbat

15. (C) PolOff visited Ofra (east of Ramallah) on June 13 to investigate these reports. PolOff toured the building site with Ofra settler Ruchie Avital. All nine homes appeared to be approximately 80 percent completed, with construction crews (mostly Palestinian laborers) working furiously on a Friday afternoon--when most workers normally have left for weekend. Although it was not apparent, Avital told PolOff the homes are now occupied.

16. (C) Avital told PolOff that Ofra's chief rabbi ruled that construction crews may work on Saturdays (Shabbat) to complete the project before the court ruling. Avital stressed to PolOff that the construction crews are non-Jewish and said there is precedent for the ruling--in 1948 the rabbi of Latrun (on the road between Tel Aviv and Jerusalem) ruled even Jews could farm their land on the Sabbath to prevent Jordanians from seizing it. The halachic (Orthodox Jewish religious law) justification for the ruling, according to Avital, is rooted in the Jewish right to "self defense" as well as the exception for "life and death" situations. She said Ofra residents are concerned about the impending legal case. "People are upset here. Everyone's talking about it", she added. She attributed controversy over the houses and land to "left-wing" groups stirring up trouble by suddenly identifying Palestinian landowners who had never spoken up until now."

WALLES